

January 9, 1981

PRESIDENT: Will there be further discussion on LR 1. Senator Landis, you may close. No close, all right. The question before the House is the adoption of LR 1 found on page 82 of the Journal. All those in favor vote aye, opposed nay. Have you all voted? Have you all voted? Record the vote, Mr. Clerk.

CLERK: 30 ayes, 1 nay on adoption of the resolution, Mr. President.

PRESIDENT: The motion carries. The resolution, LR 1, is adopted. Anything further, Mr. Clerk, before we ...?

CLERK: Mr. President, yes, sir, I have a new resolution offered by Senators Goll and DeCamp. (Read LR 2 as found on pages 96-97 of the Legislative Journal.) Mr. President, pursuant to our rules, that resolution will be laid over.

PRESIDENT: We are ready then for the introduction of new bills. I would hope that all of you who have bills ready for introduction will get them up to the Clerk's desk so that we can expedite the reading in and introduction of new bills. Proceed, Mr. Clerk, with the reading of the new bills.

CLERK: Read LB 52-60 by title for the first time as found on pages 97-98.

Mr. President, if I could interrupt for just a moment, Senator Landis would like to have a meeting of the Urban Affairs Committee underneath the North balcony now for purposes of organizing, Urban Affairs Committee under the North balcony right now, Mr. President.

Read LB 61-65 by title for the first time as found on page 99 of the Legislative Journal.

Mr. President, Senator Lamb would like to have the Reference Committee of the Executive Board meet underneath the North balcony right now, that is Executive Board underneath the North balcony.

Read LB 66-67 as found on pages 99-100 of the Legislative Journal.

Mr. President, the Reference Committee would like to meet in the area where Senator Lamb is standing for purposes of referencing bills, Reference Committee over in the area where Senator Lamb is.

Read LB 68 by title for the first time as found on page 100 of the Legislative Journal.

January 19, 1981

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: The prayer this morning will be given by Reverend Roe, the United Methodist Minister affiliated with the Trinity Methodist Church in Lincoln, Nebraska. Reverend Roe.

REVEREND ROE: Prayer offered.

SPEAKER MARVEL: Roll call. Item #3. Will you please record your presence if you haven't already. Record your vote.

CLERK: There is a quorum present, Mr. President.

SPEAKER MARVEL: Ready for item #3?

CLERK: Yes, sir. Mr. President, first of all, corrections to the Journal. (Read corrections to the Journal as found on page 220 of the Legislative Journal.)

Mr. President, I have an Attorney General's Opinion addressed to Senator Sieck regarding LB 58. (See pages 220 and 221 of the Legislative Journal.) I have a series of reports, the first from Frank Marsh, the State Treasurer, regarding the detailed statement of the condition of the State Treasury.

Mr. President, a communication from the Metropolitan Technical Community College regarding LB 1004; a communication from the State Department of Correctional Services regarding program evaluation of the therapeutic community at the Lincoln Correctional Center.

Mr. President, a deposit or communication from David O. Coolidge who is the Director-State Engineer of the Department of Roads pursuant to LB 722. Those will all be on file in my office, Mr. President.

Mr. President, your Committee on Constitutional Revision and Recreation gives notice of public hearing in Room 1019 for January 30, February 5 and February 6. (Signed) Senator Labeledz as Chairperson.

SPEAKER MARVEL: Okay, we now go to item #4, introduction of new bills.

CLERK: Mr. President, new bills: Read title to LB 284-309 as found on pages 223 through 228 of the Legislative Journal.

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LB 34, 58, 114, 125, 144,
195, 205, 246, 272, 273,
273A, 325, 355, 359, 388,
409, 491, 546

the motion is the suspension of the rules to introduce a bill as explained by Senator Newell. All those in favor of suspending the rules vote aye, opposed vote no. Record the vote, Mr. Clerk.

CLERK: 30 ayes, 11 nays to suspend the rules and offer introduction, Mr. President.

SPEAKER MARVEL: The motion is adopted.

CLERK: Mr. President, a new bill, LB 546. (Title read.) While we are waiting, your committee on Urban Affairs whose Chairman is Senator Landis to whom we referred LB 58 reports the same back to the Legislature to General File with amendments; 359 General File with amendments; 491 General File with amendments. (Signed) Senator Landis.

Senator DeCamp would like to print amendments to LB 34 in the Journal.

Mr. President, your committee on Enrollment & Review respectfully reports they have carefully examined and reviewed LB 205 and recommend that same be placed on Select File with amendments; 409 Select File with amendments; 195 Select File; 272 Select File; 273 Select File with amendments; 273A Select File; 355 Select File with amendments; 114 Select File; 246 Select File, 325 Select File, 388 Select File with amendments. (Signed) Senator Kilgarin, Chair.

SPEAKER MARVEL: May I have your attention to discuss item #6 and item #6 has to do with the continuation of the discussion on LB 125. There is a request that the bill be laid over until Monday. I have contacted two of the introducers. They are amenable to laying it over until Monday. If we do this, I think we must do it with the understanding that we are not establishing a precedent. But anyway, is there objection to laying over 125 until Monday? Senator Higgins.

SENATOR HIGGINS: Mr. President, who requested that we lay it over?

SPEAKER MARVEL: Senator Haberman.

SENATOR HIGGINS: Thank you.

SPEAKER MARVEL: Any other discussion? Okay, the bill will be laid over until Monday. We now move to General File, LB 144, Mr. Clerk.

CLERK: 25 ayes, 0 nays on adoption of committee amendments, Mr. President.

SPEAKER MARVEL: The motion is carried. The committee amendments are adopted. Now, Senator Higgins, do you wish to explain the bill?

SENATOR HIGGINS: Very briefly, Mr. President. I introduced this bill for the Banking Committee because of the limitation on bills that they could introduce this year. LB 330 is legislation endorsed by our Nebraska Insurance Department and the Nebraska Domestic Insurance Industry. It will eliminate outdated statutory language and correct the Nebraska statutes so that domestic insurance companies can properly reflect in their accounting statements payments plans available to the Nebraska insurance buying public. In other words, in the old days before we had monthly payments for your automobile insurance or what we call retroplans and audits for commercial insurance, it was not properly reflected in the statutes. This bill will fix it so that we can continue to do this and it is more or less just a housekeeping bill for the insurance companies to keep their reserves the way they want them so they can continue to offer to the public monthly payment plans and not have to go to annual payments. Thank you, Mr. President.

SPEAKER MARVEL: All those in favor of the advancement of the bill to E & R vote aye, opposed vote no. Have you all voted? Record the vote.

CLERK: 26 ayes, 0 nays, Mr. President.

SPEAKER MARVEL: The motion is carried. The bill is advanced. Now we are ready for LB 58.

CLERK: Mr. President, LB 58 is offered by Senator Sieck. (Read.) The bill was first read on January 9. It was referred to the Urban Affairs Committee. The bill was advanced to General File. There are committee amendments by the Urban Affairs Committee, Mr. President.

SPEAKER MARVEL: Senator Landis, do you want to speak to the committee amendments on LB 58?

SENATOR LANDIS: Mr. Speaker, members of the Legislature, I also want to signal to the body that I have just had a discussion with Senator Vickers who wants to propose an amendment which should probably not provide the introducer or the committee with any problems but he will bring that to the floor and it does relate to the committee amendments

but let's go to the committee amendments and talk about LB 58 which has been introduced by Senator Sieck. It arises out of specific instance and that is the nine mile prairie which is outside the City of Lincoln which has been used repeatedly by the University of Nebraska and other higher education facilities as a tool to teach about the prairie conditions in Nebraska in the 19th century. It is a rare phenomenon to have this kind of prairie close to a facility like the University of Nebraska in which students can be taught about the virgin prairie. LB 58 as originally introduced required the Lincoln Airport Authority to sell that land at a rate below market value to those people who want to purchase it to keep it in its virgin prairie condition. The committee, after negotiation, after discussion and after meeting with various parties changed the nature of the bill considerably making it permissive, number one, and, number two, solving the problem that we were faced with. We were faced with the problem that the Lincoln Airport Authority did not feel they had legitimate legal authority to sell a public asset at less than fair market value. They did not want to be put in a position of having to sell something in the public trust at some kind of windfall or bonus figure. Of course this land which is in close proximity to the City of Lincoln has a very high commercial value in the event it was to be subdivided and used as some kind of developed land. The kinds of people who can support and afford to purchase virgin prairie could not afford to purchase it at development prices and then keep it at prairie and there is your problem. The committee chose what I think is a very judicious middle road. If you adopt the committee amendments you at no time violate the principle that a public agency selling public assets has to do so at less than fair market value. What it does allow is for the Airport Authority or any agency that holds virgin prairie with the exception of public lands of the kind described in the committee amendments with a sale, with a deed that contains a covenant running with the land. A covenant running with the land is a promise, not only by those who purchase the land, but by every other subsequent purchaser of that land that certain conditions will be met. The covenant in this case is the promise to keep that land as virgin territory, virgin prairie. The net effect will be that the fair market value of a piece of land sold with such a covenant will be considerably less than the fair market value of land sold just at fee simple for the purposes of development. In other words you are buying a piece of property at the fair market value of any piece of land which can only be used for virgin territory or virgin prairie. In this way then the committee does not mandate the sale of any land, does not coerce the

Lincoln Airport Authority into selling the virgin prairie but allows the Lincoln Airport Authority in the event they wish to, to sell the land at fair market value but in such a way as to put it within the range that the people who want to keep that as virgin prairie can buy the land. The net effect of selling a piece of property with a covenant running with the land would be to reduce its fair market value considerably and that is the purposes of the amendment. Apparently Senator Vickers wants to bring to the attention of this body his concern with the first section, the policy section of the bill and I believe will attempt to offer an amendment yet further defining virgin prairie. Of course there are large sections of Nebraska that are virgin prairie. It is not our intention to mess with any of the lands that are now under the control of the Board of Lands and Funds. We actually had this one specific instance and we can solve that problem by adding a quick amendment which we found in subsection 4 of the committee amendments but that will have to take place after we adopt the committee amendments. I urge this body's approval of the committee amendments to LB 58.

SPEAKER MARVEL: Okay, Senator Vickers, do you have an amendment to the committee amendment?

CLERK: Mr. President, Senator Vickers moves to amend the committee amendments. (Read Vickers amendment found on page 1167 of the Legislative Journal.)

SPEAKER MARVEL: Senator Vickers.

SENATOR VICKERS: Mr. Speaker and members, the intent language in section 1 of the committee amendments to LB 58 bothered me just a little bit since I come from a part of the state that has a considerable amount of what I would term as virgin prairie in it and probably will always be virgin prairie. I am very jealous of that virgin prairie or those pastures as we call them out in our part of the state but if it is the intention of LB 58 to preserve lands of this nature that have been used for educational purposes for study of the unique circumstances that these virgin prairies have within them, then I think the intent language that we are putting in the statutes should reflect that and that is what this amendment would do and I offer it to this body in good faith that it would indicate because it does bother me when we put intent language in that seems to me to be rather broad and if you would read subsection 4 of section 1 of the committee amendments to LB 58 it says that, "It is in the public interest that such virgin prairie in suitable quantities be preserved and protected." Now if

just read that by itself for those of us that have a lot of these pasture lands or virgin prairies in our area, that sounds a little bit scary to me. So I would like to insert language so that that sentence would read that it is in the public interest that such virgin prairie which has been used as an educational tool by educational institutions of this state in suitable quantities be preserved and protected, and I would urge the body's adoption of this amendment.

SPEAKER MARVEL: The motion is the adoption of the Vickers amendment. Senator Beutler, do you wish to be heard on the Vickers amendment? Senator Sieck, do you wish to be heard on the Vickers amendment? Okay.

SENATOR SIECK: Mr. President, members of the body, I do support the amendment. It clarifies it a little more and I feel it is real good.

SPEAKER MARVEL: Okay, the motion...Senator Carsten. The motion is the adoption of the Vickers amendment. All those in favor of that motion vote aye, opposed vote no. Have you all voted? Okay, record the vote.

CLERK: 24 ayes, 0 nays on adoption of Senator Vickers amendment to the committee amendments.

SPEAKER MARVEL: The motion is carried and the amendment is adopted. There is six minutes left in the life of this particular activity. The committee amendments as amended need to be adopted. All those in favor vote aye, opposed vote no. Senator Beutler.

SENATOR BEUTLER: May I speak to the committee amendments?

SPEAKER MARVEL: Okay.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, a question if I may of Senator Landis or Senator Sieck, perhaps better of Senator Landis. As you are aware, Senator Landis, there are some rules of common law which prohibit illegal restraints on the alienation of land and the main purpose of this common law, which is the law of the State of Nebraska too to some extent, is to prohibit in the long term restrictions put on land that are there forever and become obsolete after a period of time and then society is sorry that they ever allowed those kind of restrictions to be put on. So we have developed a body of common law against restraints on the alienation of land or on certain types of covenants. This particular covenant which says

that this land shall be used forever for a particular purpose, a purpose which may not be there forever, which may or may not be there forever, has any research been done, any legal research been done to determine whether that is a proper restraint on the alienation of property and is it possible that if we put this into law, ten years down the line somebody may say this is not a legal restraint and sell it without the covenant in which case our public purpose will have been lost altogether?

SENATOR LANDIS: If I can respond to Senator Beutler, the language was drafted by former Governor Crosby whose knowledge of property law I would trust in this area. I would also say that in the event there was to be any change in the language that we could do it on Select File in this way and that is if the land loses its quality as a virgin prairie certainly our public purpose in keeping that covenant would come to an end and perhaps the covenant then could be, we could write language to allow the defeating of the covenant at that point, but no, it is not my understanding that there is any problem with the covenant running with the land in this kind of a situation based on my conversation with Governor Crosby.

SENATOR BEUTLER: Another problem, let me ask you another question, Senator Landis.

SENATOR LANDIS: Quickly I hope, Senator Beutler.

SENATOR BEUTLER: The...why did you not go the route of appropriating the money to the University of Nebraska or whoever you might want to hold this land and allow them to do it in that manner so that the cost of it is borne by the people in the state as a whole if the public purpose is to preserve the virgin prairie as opposed to allowing the Lincoln Airport Authority to handle it in this manner and in a sense, sell the property for a reduced price the expense of which then is borne by those who pay the taxes for the Airport Authority?

SENATOR LANDIS: In the first place the land was purchased... or from the federal government at a very reduced price. It has a tremendous development cost and if we went to the University we would buy it at its development rate and we would be paying an exorbitant amount of money to then use it as a virgin prairie and the Lincoln Airport Authority I might finally add, is not unamenable to the idea of selling the land. However, they do not want to violate the principle of selling a public asset at a fair market value. So, number one, the land was received at a minimal rate and, number two,

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LB 58

you have private people that are willing to purchase that land if they can associate for that purpose and thereby keeping it on the tax rolls for one thing and also you would have a very high expenditure by the University of Nebraska to pay for land which has a tremendous development use to turn around and use it as a prairie. The University did not offer to do so and the Urban Affairs Committee is not in a position to change the University of Nebraska appropriation anyway.

SENATOR BEUTLER: So is the effect of this covenant also to reduce its value for tax purposes also?

SPEAKER MARVEL: We have two minutes left on this bill.

SENATOR LANDIS: I believe the value of the land probably would be altered if that is the nature of the land in which it was held, yes.

SENATOR BEUTLER: Thank you. Thank you, Mr. Speaker.

SPEAKER MARVEL: The motion is the advancement of LB 58, I'm sorry, we have got to adopt the committee amendments first. All those in favor of adopting the committee amendments to LB 58 vote aye, opposed vote no. Have you all voted? We are voting on the committee amendments to LB 58. Have you all voted? Okay, record the vote.

CLERK: 30 ayes, 0 nays on adoption of committee amendments.

SPEAKER MARVEL: Senator Landis.

SENATOR LANDIS: Mr. Speaker, if there are no lights on LB 58, could we proceed to a vote to advance?

SPEAKER MARVEL: Okay, if we do it right now. You have got about thirty seconds left.

SENATOR LANDIS: I just move the advancement of LB 58.

SPEAKER MARVEL: All those in favor of that motion vote aye, opposed vote no. The motion is to support the advancement of the bill. Have you all voted? Okay, one last time, and then we are going to go to the next bill. Have you all voted for the advancement of the bill? Record.

CLERK: 26 ayes, 1 nay on the motion to advance the bill, Mr. President.

SPEAKER MARVEL: Okay, the motion is carried. The bill is advanced. The next one is 491.

March 31, 1981

LB 58, 87, 157, 157A, 158, 200,
280, 283, 329, 330, 333, 371,
407, 427, 427A, 437, 483, 491, 536

PRESIDENT LUEDTKE PRESIDING

FATHER HENRY BURTON: (Prayer offered).

PRESIDENT: Roll call. Roll call, please. Would all of you please register your presence if you are here? We are still waiting a quorum. Senator Warner, do you want to give us your presence here and we can get a quorum. Thank you. Record the presence, Mr. Clerk.

CLERK: There is a quorum present, Mr. President.

PRESIDENT: A quorum being present, are there any corrections to the Journal?

CLERK: I have no corrections, Mr. President.

PRESIDENT: The Journal will then stand as published. Are there any other messages, reports or announcements, Mr. Clerk.

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 329 and recommend that same be placed on Select File with amendments; 333 Select File with amendments; 483 Select File; 407 Select File; 427 Select File; 427A Select File; 157 Select File; 157A Select File; 200 Select File; 371 Select File; 280 Select File; 536 Select File; 158 Select File; 330 Select File; 58 Select File with amendments; 491 Select File; 283 Select File with amendments; 87 Select File; 437 Select File with amendments. All signed by Senator Kilgarrin as Chair. That is all I have, Mr. President.

PRESIDENT: Thank you, Mr. Clerk. Senator Haberman, did you wish...Senator Haberman. The Chair recognizes Senator Haberman for a point of personal privilege. Yes, and you should all pay attention to this because it is pretty personal.

SENATOR HABERMAN: Mr. President, members of the Unicameral, this is a very personal thing and I would like to have your attention, especially the attention of the press. In the Omaha World Herald and in the Star this morning, it says, "Senator Rex Haberman of Imperial who operates a liquor store". I do not operate a liquor store. I do not own a liquor store nor do I have any stock in any liquor stores. I do not know where this idea came from and I would like to inform this body and have it go on the record that I am in no way involved in any liquor stores, wholesale, retail, giveaway or anything else, and I thank you, Mr.

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LB 200, 158, 330, 58,
491, 536

CLERK: 26 ayes, 0 nays on the adoption of Senator Carsten's amendment.

SPEAKER MARVEL: The motion is carried, the amendment is adopted. Senator Kilgarin, do you wish to advance LB 200.

SENATOR KILGARIN: I move LB 200 be advanced to E & R for Engrossment.

SPEAKER MARVEL: All those in favor of that motion say aye, opposed no. Motion is carried. Before we go to the next item in the north balcony it is my privilege to introduce from Senator Rumery's district 18 students from Mid-Plains Community College, North Platte, Nebraska, Criminal Justice Club and Don Grubbs the instructor. Are you folks still upstairs? Okay, your presence will be recorded in the Journal. LB 536 has an amendment and Senator Beutler is not here. If there are no objections we will pass over that and take it up tomorrow. LB 158. Senator Kilgarin.

SENATOR KILGARIN: I move LB 158 be advanced to E & R for Engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. The motion is carried, the bill is advanced. The next bill is LB 330. Senator Kilgarin.

SENATOR KILGARIN: I move LB 330 be advanced to E & R for Engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. Motion is carried, bill is advanced. LB 58.

SENATOR KILGARIN: I move the E & R amendment to LB 58.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. The motion is carried, the E & R amendments are adopted.

SENATOR KILGARIN: I move LB 58 be advanced to E & R for Engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. The motion carried, the bill is advanced. The next is LB 491.

SENATOR KILGARIN: I move LB 491 be advanced to E & R for Engrossment.

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LB 3, 56, 58, 87,
LB 283, 284, 322, 330,
LB 35, 437, 491

SENATOR VICKERS: Well I guess we will have to have a roll call vote then.

SENATOR CLARK: Call the roll. We are still short two. Is that all right with you?

SENATOR VICKERS: Who are missing?

SENATOR CLARK: Senator Goodrich and Senator Schmit.

SENATOR VICKERS: No, I want to wait until they get here.

SENATOR CLARK: We are required to stay in our seats under the Call of the House. Is the Sergrat at Arms looking for those two? Senator Schmit, we are voting on the advancement of LB 35. Call the roll. Senator Goodrich is not in the building that we can find. Here he comes. Now we don't have to find him. Senator Goodrich, we are voting on the advancement of LB 35. Senator Goodrich, we are voting on the advancement of LB 35. Do you want a call-in vote? Call the roll.

CLERK: (Read roll call vote as found on page 1339 of the Legislative Journal.) 25 ayes, 21 nays on the motion to advance the bill, Mr. President.

SENATOR CLARK: The bill is advanced. Senator DeCamp, would you like the honor of adjourning us until tomorrow morning at nine o'clock?

SENATOR DeCAMP: Yes.

SENATOR CLARK: We have a few things to read in first.

CLERK: Mr. President, your Appropriations Committee will meet tonight upon adjournment in Room 1003. The Public Works Committee will meet in executive session in their regular hearing room immediately upon adjournment. All members are encouraged to attend. Senator Higgins offers explanation of vote, Senator Nichol to print amendments to LB 87. (See page 1343 of the Journal.)

I have a communication from the Governor. (Read same regarding LB 311 and 56. See page 1343 of the Journal.)

Mr. President, Senator Goodrich would like to print amendments to LB 3; Senator DeCamp to LB 284. (See pages 1340-1342 of the Journal.)

Your committee on Enrollment and Review respectfully reports we have carefully examined and engrossed LB 58; 283 engrossed; 330 engrossed; 437 engrossed and 491 engrossed.

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LB 58, 476

Mr. President, Senator Landis would like to print amendments to LB 476 in the Journal.

PRESIDENT: Ready then for agenda item #5, Final Reading. The Sergeant of Arms will clear the Chamber. All members will return to your desks. All unauthorized personnel will leave the floor of the Legislature. We are on Final Reading. So all members will get to your desks. All right, Mr. Clerk, I guess we are ready.

CLERK: Mr. President, I have a motion on the desk.

PRESIDENT: Read the motion on the desk, Mr. Clerk.

CLERK: Mr. President, Senator Sieck moves to return LB 58 to Select File for specific amendment. (Read amendment offered by Senator Sieck on page 1427, Legislative Journal.) That is offered by Senator Sieck.

PRESIDENT: The Chair recognizes Senator Sieck.

SENATOR SIECK: Mr. President, members of the body, this is a technical error that the bill drafter made. The actual title should have been as it is reading...as the Clerk read to you. So I move that we take it off of Final Reading and back to Select File to correct the error.

PRESIDENT: Any further discussion on the Sieck amendment to return for the specific amendment to correct the error. If not, Senator Sieck, I guess the motion then is the return of LB 58 to correct this matter. It is returned for that specific amendment. All those in favor vote aye, opposed nay. Record the vote.

CLERK: 33 ayes, 0 nays on the motion to return the bill, Mr. President.

PRESIDENT: Motion carries. LB 58 is returned. We will now take care of the amendment. Senator Sieck, will you move the adoption.

SENATOR SIECK: I move that we adopt the amendment.

PRESIDENT: Motion to adopt the amendment which Senator Sieck spoke of. Any further discussion? Anything further, Senator Sieck, then? All right, the motion then is the adoption of the Sieck amendment to LB 58. All those in favor vote aye, opposed nay. Record the vote.

CLERK: 35 ayes, 0 nays on adoption of Senator Sieck's amendment.

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LB 58

PRESIDENT: Motion carries. The Sieck amendment is adopted on LB 58. Senator Sieck, will you move to return.

SENATOR SIECK: I move that we return it to Final Reading.

PRESIDENT: All right, motion to return it to E & R for engrossment. Any further discussion? All those in favor signify by saying aye, opposed nay. LB 58 is returned to E & R for engrossment. All right. Another motion on the desk. Read the motion, Mr. Clerk.

CLERK: Mr. President, Senator Beutler moves to return LB 58 to Select File for a specific amendment. (Read Beutler amendment to LB 58 found on page 1428, Legislative Journal.)

PRESIDENT: The Chair recognizes Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, I will try to be quick. These are a couple of protective provisions which are being put on with the permission of Senator Sieck. A copy of the amendment should be on your desk. Basically the amendment does two things. First of all, it says, and to refresh your memory just briefly, the bill basically allows a political subdivision to sell this land to a nonprofit corporation but to sell it with a protective covenant which says that the land shall be preserved for a certain...shall be preserved as virgin prairie. My amendment would say that should for any reason a court declare or if that protective covenant should lapse for any reason, then the political subdivision which sold it to the nonprofit corporation would have the right to buy the land back at the value determined as if the covenant were in effect, and the value is determined in that method, of course, because the nonprofit corporation in taking the land from the political subdivision in the first place will have gotten a price which was reduced because of the fact that the protective covenant is on there. The second provision says that no sale authorized under this act shall take place after July 1, 1983. That is basically a sunset type provision and that is being put on because I personally feel that the philosophy that is encompassed in Jerry Warner's LB 173 dealing with preservations and conservation easements is a superior philosophy to that which is in this bill, and as a compromise, we are saying that this bill will be in effect for two years and after that we will rely on the provisions of LB 172 for conservation and preservation easements. Thank you.

PRESIDENT: Any further discussion on the Beutler motion to

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LB 58

return on LB 58? The Chair recognizes Senator Sieck.

SENATOR SIECK: Yes, Mr. President and members of the body, I will agree with the part the property can be sold back to the political subdivision that originally sold it, if it is declared unconstitutional or if there are some other problems that develop. The date is a little bit wavy but I am going to accept the July 1 in hoping that we can get this job done by that time and I think we can, and so I am going to accept it and this was a compromise. He had originally on there January 1 and I encouraged him to give us at least another six months and Senator Beutler was willing to do this. So I will accept this amendment.

PRESIDENT: Any further discussion? Senator Beutler.

SENATOR BEUTLER: I don't want to close but I should mention, I forgot to mention that on the handout that you got it did say that it would lapse January 1, 1983. The actual amendment is July 1, 1983. Harold and I worked it out so they got an additional time period and I am sorry that wasn't corrected on the amendment that was handed out to you. Thank you.

PRESIDENT: The Chair recognizes Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I just want to make an observation about Final Reading. When I first came down here, most of the working of a bill was done on General File, no work was done on Select, and by the time you got to Final Reading, it was clean. Now it seems everything has been reversed. Very little is done on General, a lot is done on Select, but the real work is done on Final and it might just call our attention to the fact that the last few days when we have had Final Reading very few of the bills have been read at that particular time. So perhaps we should re-order the way we deal with the bill and I just thought I would make that point here because I don't know how many of these other bills may suffer the same fate.

PRESIDENT: Thank you, Senator Chambers. A very good observation if I may editorialize with you. Anything further then on the Beutler motion to return? If not, Senator Beutler, anything further? Anything further now?

SENATOR BEUTLER: Well, Mr. Speaker, since we are throwing in gratuitous comments, I might just mention that if we reduced the number of bills introduced that that would have the effect of having more time on General File and we could work this exactly the way Senator Chambers would like.

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LB 58, 200

PRESIDENT: Thank you, Senator Beutler. Then we are ready for the motion to return LB 58. All those in favor vote aye, opposed nay. Record the vote.

CLERK: 32 ayes, 1 nay, Mr. President, on the motion to return.

PRESIDENT: Motion carried. LB 58 is returned. Senator Beutler, do you wish to...

SENATOR BEUTLER: I move to return it to E & R.

PRESIDENT: Motion is to...no, we have to adopt first. The motion is to adopt the amendment. The motion to adopt the Beutler amendment, any further discussion? Senator Chambers, did you wish to still?

SENATOR CHAMBERS: Yes, Mr. Chairman and members of the Legislature, just one additional comment. No matter how we limit the number of bills, by means of amendment a person can, in effect, introduce additional bills and Senator Beutler is extremely capable at that.

PRESIDENT: Any further discussion on the Beutler amendment? If not, all those in favor of the Beutler amendment to LB 58 will vote aye, opposed nay. Record the vote.

CLERK: 38 ayes, 0 nays on the motion to adopt the amendment.

PRESIDENT: The motion carries and the Beutler amendment is adopted. Senator Beutler, do you want to move it on?

SENATOR BEUTLER: Mr. Speaker, I would move that the bill be readvanced to E & R.

PRESIDENT: Motion to readvance LB 58 to E & R for engrossment. Any discussion? Senator Higgins, did you have your light on? All right. All those in favor then of advancing LB 58 to E & R for engrossment signify by saying aye, opposed nay. LB 58 is advanced to E & R for engrossment. Before we go on to the next bill on Final Reading, we have 18 kindergarten children and five adults from Huntington Grade School from Senator Landis' District, Ms. Clara Breed and Ms. Mamie Patterson are the teachers. They are up here in the North balcony. We welcome you to your Nebraska Unicameral, to the Huntington Grade School kindergarten and adult visitors. We will now, Mr. Clerk, take up LB 200 on Final Reading.

CLERK: (Read LB 200 on Final Reading.)

April 14, 1981

LB 3, 58, 160, 161, 163,
200, 283, 330, 346, 371,
407, 437, 491.

do you have budget bills?

CLERK: Yes, sir. Mr. President, if I may right before we go to that, your Committee on Appropriations whose Chairman is Senator Warner reports LB 160 to General File, 161 to General File with amendments, and 163 to General File with amendments. Those are signed by Senator Warner as Chairman. (See pages 1457 and 1458 of the Legislative Journal.)

Your Committee on Enrollment and Review respectfully reports they have carefully examined and reengrossed LB 58 and find the same correctly reengrossed, 283 engrossed, and 491 engrossed. Your Enrolling Clerk has presented to the Governor LB 200, 283, 330, 371, 407 and 437.

Senator Johnson would like to print amendments to LB 3, and Senator Johnson amendments to 346. (See page 1459 of the Legislative Journal.)

Mr. President, Senator Warner as Chairman of the Appropriations Committee moves for the introduction of Request #931.

SPEAKER MARVEL: The Chair recognizes Senator Warner.

SENATOR WARNER: Mr. President, I move the bill be introduced. This will be one of six bills that we will be requesting to have introduced. They will cover the general operations of state government, and if they are introduced, I then would ask to have them placed on General File as we normally do so they can be printed immediately. I also would point out that beginning tonight and tomorrow night and other times as requested we will be giving briefings for the members of the Legislature on the appropriations, and you will have a booklet in your offices sometime this afternoon which will summarize each of the agencies' requests and the Governor's, as well as the committee's recommendation for that request. So with that explanation, Mr. President, I move the bill be introduced.

SPEAKER MARVEL: The motion is the introduction of the bill as explained by Senator Warner. All in favor of that motion vote aye, opposed vote no. It takes 30 votes. Record.

CLERK: 33 ayes, 1 nays on the motion to introduce, Mr. President.

SPEAKER MARVEL: The motion is carried.

CLERK: Mr. President, Senator Warner moves to introduce

April 23, 1981

LB 58, 283, 491

SPEAKER MARVEL: We now we proceed with Final Reading. It is item number five. Will all legislators please return to your seats. Unauthorized personnel please leave the floor. As soon as . . . all legislators must be in their seats before we can continue with item number five, Final Reading. Okay, read.

CLERK: Read LB 58

SPEAKER MARVEL: All provisions of law having been complied with, the question is, shall the bill pass? Those in favor vote aye, opposed vote no. LB 58 on Final Reading. Have you all voted? Record the vote.

CLERK: 44 ayes, 1 nay, 4 excused and not voting. Vote appears on page 1531 of the Legislative Journal.

SPEAKER MARVEL: The bill is declared passed on Final Reading. Before we go to the next bill, it is my privilege to announce a group of 83 students from Central High School in Omaha and two sponsors, Mr. Clyde Lincoln and Mr. Dean Neff and they are guest of Senator Higgins and include her niece Miss Chris Andreasen. Will you raise your hands and show us where you are so we can welcome you this morning. Okay. The Clerk will now read on Final Reading LB 283.

ASSISTANT CLERK: Read LB 283.

SPEAKER MARVEL: All provisions of law having been complied with, the question is, shall the bill pass? Those in favor vote aye, opposed vote no. 283 on Final Reading. Record the vote.

ASSISTANT CLERK: 46 ayes, 0 nays, 1 present and not voting, 2 excused and not voting. Vote appears on page 1532 of the Legislative Journal.

SPEAKER MARVEL: The bill is declared passed on Final Reading. LB 283. We now take the last Final Reading of the morning, LB 491. Clerk will read.

ASSISTANT CLERK: Read LB 491.

SPEAKER MARVEL: All provisions of law having been complied with the question is, shall the bill pass? Those in favor vote aye, opposed vote no. LB 491E. Have you all voted? Clerk will record the vote.

April 24, 1981

LB 58, 243, 283, 284, 346, 491

SPEAKER MARVEL PRESIDING

REVEREND LELAND WARREN: Prayer offered.

CLERK: Mr. President, Senators Marsh, Cullan and Kilgarin would like to be excused. Senator Howard Peterson and Hoagland would like to be excused until they arrive.

SPEAKER MARVEL: Do you want to record your presence please? Have you all recorded your presence? Okay, record.

CLERK: There is a quorum present, Mr. President.

SPEAKER MARVEL: Okay, item number what? Three?

CLERK: Yes, sir. Mr. President, we have the report of registered lobbyists for the week of April 16 to April 23. We have a gubernatorial appointment from the Governor for Mr. Swanson to the Environmental Control Council. Senator Nichol would like to print amendments to LB 346. (See pages 1549-1551 of the Legislative Journal.)

Mr. President, LB 58, 283 and 491 are ready for your signature.

SPEAKER MARVEL: While the Legislature is in session and capable of transacting business I am about to sign and do sign reengrossed LB 58, reengrossed LB 283, reengrossed LB 491.

CLERK: Mr. President, a request from Senator Haberman to add his name to amendments to LB 284, Request #2325 as cocointroducer. (See page 1552 of the Legislative Journal.)

SPEAKER MARVEL: Hearing no objections, so ordered.

CLERK: Mr. President, a new resolution, LR 62, offered by Senator Kahle. (Read. See pages 1551-1552 of the Legislative Journal.)

Finally, Mr. President, I have a message from the President of the United States addressed to the Clerk. (Read. See page 1552 of the Legislative Journal.)

SPEAKER MARVEL: Okay, we are ready for item #4, resolutions. I would like to make a statement before we start. Some of these items on the agenda we have confronted before. I hope when the confrontation takes place today we can limit debate and not repeat what has been said before.

CLERK: Mr. President, I have a series of Attorney General's opinions. The first is addressed to Senator Vickers regarding LB 243. I have one addressed to Senator Sieck regarding LB 243.

April 24, 1981

LB 58, 283, 491,
LB 257, 466, 389A, 529A

SPEAKER MARVEL: The motion is carried. The bill is advanced. If there is objection we will revert back to item #2 which is LB 466.

CLERK: Mr. President, if I may, right before that, the committee on Ag and Environment gives notice of cancellation of hearing. (See page 1568 of the Legislative Journal.)

A new A bill, 389A offered by Senator Wesely. (Read. See page 1569 of the Legislative Journal.) 529A by Senator Schmit. (Read.)

Mr. President, your Enrolling Clerk respectfully reports that she has presented to the Governor LB 58, 283, and 491.

April 27, 1981

LR 64
LB 58, 283, 491, 499, 180

Mr. President, a communication from the Governor addressed to the Clerk. (Re: LB 58, 283, and 491. See Legislative Journal, page 1594.)

Mr. President, a new resolution offered by Senator Wesely. (Read LR 64. See pages 1596 and 1597, Legislative Journal.) That will be laid over, Mr. President.

Mr. President, Senators Fowler and DeCamp ask unanimous consent to add their names to LB 180 as cointroducers.

SPEAKER MARVEL: Hearing no objection, so ordered.

CLERK: That is all that I have at this time, Mr. President.

SPEAKER MARVEL: I would like to recognize Senator Vickers for an announcement and then we will go to LB 499 which will be the last bill for the afternoon. Senator Vickers.

SENATOR VICKERS: Mr. President, thank you very much. Mr. President and members, on your desks this morning you found a little page with the schedule of events for Heritage Days to be held at McCook, Nebraska, May the 1st, May the 2nd and May the 3rd, and along with that schedule, I am issuing to you an invitation from the McCook Chamber of Commerce to any and all of you that are able to be there on Saturday, May the 2nd for their parade at ten-thirty and they would like to have you there a little bit ahead of time and vehicles will be provided for anybody that...any of the members that were able to be there and also the luncheon put on by the Cordials, the ladies group of the Chamber of Commerce, and I might add it will be a very enjoyable luncheon, I am sure. As you notice, there is a variety of ethnic foods will be available, and also, of course, it is out in the middle of the 38th District and I would be happy and proud to be your host to any and all that could make it. Thank you, Mr. President.

SPEAKER MARVEL: Thank you, sir. Okay, we are now ready to go to LB 499.

CLERK: Mr. President, LB 499 (read title). The bill was first read on January 20, referred to Public Health and Welfare. The bill was advanced to General File. There are committee amendments pending by Public Health and Welfare Committee, Mr. President.

SPEAKER MARVEL: Senator Cullan, committee amendments to LB 499.